

NO.: NNH-CV-14-6050848-S

| | | |
|---|---|--------------------------|
| ZHAOYIN WANG, | : | SUPERIOR COURT |
| Plaintiff, | : | |
| | : | |
| v. | : | J.D. OF NEW HAVEN |
| | : | DOCKET |
| BETA PHARMA, INC., DON ZHANG AND | : | |
| ZHEJIANG BETA PHARMA CO., LTD., | : | |
| Defendants. | : | NOVEMBER 5, 2015 |

MOTION TO STRIKE

Pursuant to Practice Book § 10-39, defendants Beta Pharma, Inc. (“Beta Pharma”) and Don Zhang (“Zhang”) (collectively “Defendants”) file this Motion to Strike, which is directed to the Third through Eighth Counts of plaintiff Zhaoyin Wang’s Complaint. In support of this Motion, Defendants file on this date a Memorandum of Law. As further explained therein, these Counts must be stricken because:

(1) Each of the Third through Eighth Counts is barred by the economic loss doctrine;

(2) In the Third and Fourth Counts, Plaintiff has failed to state a legally cognizable cause of action for misrepresentation based on nondisclosure;

(3) In the Fourth and Seventh Counts, Plaintiff has failed to state a legally cognizable cause of action for fraud; and

(4) In the Fifth and Eighth Counts, Plaintiff has failed to state a legally cognizable cause of action for breach of fiduciary duty.

WHEREFORE, Defendants respectfully request that the Court strike the Third, Fourth, Fifth, Sixth, Seventh, and Eighth Counts of Plaintiff's Complaint.

DEFENDANTS BETA PHARMA, INC. AND
DON ZHANG,

By: /s/
Michael G. Caldwell (Indiv. juris no. 421880)
LeClairRyan, A Professional Corporation
545 Long Wharf Drive, Ninth Floor
New Haven, Connecticut 06511
Firm juris no. 428872
Telephone: (203) 672-1636
Facsimile: (203) 672-1656
Email michael.caldwell@leclairryan.com

Jack L. Kolpen (NJ Bar No. 026411987)
Benjamin R. Kurtis (NJ Bar No. 029492010)
Fox Rothschild, LLP
Princeton Pike Corporate Center
997 Lenox Dr., Bldg. 3
Lawrenceville, New Jersey 08648-2311
Telephone: (609) 895-3304
Facsimile: (609) 896-1469
Email: JKolpen@foxrothschild.com
Email: bkurtis@foxrothschild.com

Glenn A. Duhl (Indiv. juris no. 306567)
Siegel, O'Connor, O'Donnell & Beck, P.C.
150 Trumbull Street
Hartford, Connecticut 06103
Firm juris no. 057730
Telephone: (860) 280-1215
Facsimile: (860) 527-5131
Email: gduhl@siegeloconnor.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following
counsel of record by email this 5th day of November, 2015.

Jonathan Katz, Esq.
Jacobs & Dow, LLC
350 Orange Street
New Haven, CT 06511
jkatz@jacobsllaw.com

/s/
Michael G. Caldwell (Indiv. juris no. 421880)